Division Bench

(3)

IN THE HIGH COURT OF JUDICATURE CHHATTISGARH AT BILASPUR

W. P. NO. 856/ 2005

Petitioner :

Dinesh Kumar Patel
S/o Shri Asha Ram Patel,
Aged about 24 years,
Permanent R/o Jabalpur Naka Aam
Chopra Road, Dist : Damoh-(M.P.),
At present residing in the house of
Dilip Saini Jarhabhata, Mandir
Chowk, Bilaspur-(C.G.)

Versus

Respondents :

1. State of Chhattisgarh
Through : The Secretary
Home Affairs,
D.K.S.Bhawan, Raipur,
Dist : Raipur-(C.G.)

P.R. No. 977/05
Presented by Shri A.K. Shukla
dated 09.03.05

2. State of Madhya Pradesh
Through : The Secretary
Home Affairs,
Vallabh Bhawan,
Bhopal-(M.P.)

3. The Director General of Police,
Raipur, Dist : Raipur-(C.G.)

4. The Director General of Police,
Bhopal, Dist : Bhopal-(M.P.)

5. The Superintendent of Police,
Bilaspur, Dist : Bilaspur-(C.G.)

6. The Superintendent of Police,
Damoh, Dist : Damoh-(M.P.)

7. The Station House Officer
Civil Line, Bilaspur, Dist :
Bilaspur-(C.G.)

8. The Station House Officer,
City Kotwali, Damoh,
Dist : Damoh-(M.P.)

9. Sunderlal Garg
S/o Not Known,
Age - Not known,
R/o Jabalpur Naka Aam
Chopra Road, Dist : Damoh-(M.P.),

RECEIVED-COPY
09.3.05
CLERK to A. G. BILASPUR

10. Dr.Gautam
S/o Not Known,
Age – Not Known
R/o Shakti Nagar,
In front of Polytechnic Hostel,
Jabalpur Naka,
Dist : Damoh-(M.P.),.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA

(35)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 856/2005 सन् 200

आदेश पत्रक (पूर्वानुबन्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

DIVISION BENCH: -
HON'BLE SHRI A.K. PATNAIK, CJ
& HON'BLE SHRI SUNIL KUMAR SINHA, J.

25/04/2005:

Mr. Arun Kumar Shukla, learned counsel for the petitioner.

Mr. V.V.S. Murthy, learned Dy. Advocate General for the State of Chhattisgarh / respondents No.1, 3, 5 & 7.

Mr. Rajiv Shrivastava, learned counsel for respondent No.8.

Mrs. Hamida Siddqui, learned counsel for respondent No.9.

The Police Officers are also present.

Heard.

This is a habeas corpus petition filed by the petitioner- Dinesh Kumar Patel stating that the petitioner was married to Sweta Garg, a resident of Jabalpur Naka, Aam Chopra Road, District Damoh (M.P.) on 28.02.2005 in Arya Samaj, Damoh and after the marriage they came to the residence of the petitioner at Bilaspur and were living happily, but after three days, the father of Sweta Garg, respondent No.9- Sunderlal Garg came to Bilaspur and forcibly took away Sweta Garg to Damoh in the absence of the petitioner.

In view of the said statements made in the writ petition, the Court passed orders on 15.03.2005 directing the respondent No.9 – Sunderlal Garg to produce Smt. Sweta Garg before this Court today and pursuant to the said order respondent No.9 has produced Smt. Sweta Garg before this Court.

(36)

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक W.P.No. 856/2005 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश — 2 —	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

We asked Smt. Sweta Garg as to whether she would go back to respondent No.9 or to the petitioner and she stated before us that she would like to go back to the petitioner, who she said was her husband.

On query being made by the Court about her age and qualification, Smt. Sweta Garg said that she was 22 years old and she had completed M.A. in Geography. It also appears from a copy of the mark sheet issued by Madhyamik Shiksha Mandal, Madhya Pradesh, Bhopal to Smt. Sweta Garg that her date of birth is Eighth July Nineteen Eighty Two.

In view of the said statement made by Smt. Sweta Garg, a major and a Post-graduate, in Court today in presence of both, the petitioner and respondent No.9, as well as their respective counsel, we direct that Smt. Sweta Garg may as per her own choice go to the petitioner and she will not be confined by the respondent No.9 contrary to her wishes. The State will provide all security to Smt. Sweta Garg and the petitioner and escort them to the residence of the petitioner.

The habeas corpus petition stands disposed of.

Sd/-
Chief Justice

Sd/-
SUNIL KUMAR SINHA
Judge